

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Criminal Department, Central Division</b>		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 18<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>B. Graves</b> Reporter/Tape: <b>K. Garcia, D. Dedmon</b> Bailiff: <b>H. Franco, F. Macias, N. Xiong</b>		Date: <b>February 28, 2005</b>
		Department: <b>53</b> Time: <b>10:32</b>

Plaintiff: <b>The People of the State of California</b> Defendant: <b>Marcus Delon Wesson</b>	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian- Chief Deputy District Attorney Counsel: Peter Jones - Chief Deputy Public Defender Rafael Torres - Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of February 25, 2005, Court reconvenes at 10:32 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

The Court inquires from respective counsel if the Neutral Statement of Charges should be read to the panel of prospective jurors before Voir Dire begins. Rafael Torres, Deputy Public Defender, requests to have the Neutral Statement of Facts read to the panel of prospective jurors.

The Court advises respective counsel that prospective juror I 31 will be bringing in a Doctor's note for possible hardship dismissal.

Rafael Torres, Deputy Public Defender, advises the Court and the People that the Defense has 3 new witnesses to add to the witness list.

The Court stands in recess at 10:36 a.m.

The Court at 11:00 a.m. returns to the record and discuss with respective counsel the 3 missing jurors, F15, G37 and E19. The Court asks respective counsel of moving the 3 missing jurors to the end of the list. Lisa Gamoian, Chief Deputy District Attorney, objects to moving the 3 missing jurors to the end of the list. Rafael Torres, Deputy Public Defender, submits to the Court. The Court states we will wait for the two missing jurors.

The Court stands in recess at 11:06 a.m.

The Court returns to the record at 11:37 a.m. to trail jury selection until 1:15 p.m.

The Court stands in recess at 11:38 a.m. until 1:15 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 1:17 p.m.

The Court advises respective counsel that prospective juror F15, one of the two missing jurors, is incarcerated at this time. The Court excused F15 for hardship. Also, the Court has received Doctor's note for prospective juror I31. Upon review of the Doctor's note, the Court excused prospective juror I31 for hardship.

Court exhibit 15(Doctor's note dated 2/4/05 for prospective juror (I31)) marked for identification.



Court exhibit 16(Doctor's note dated 2/25/05 for prospective juror (I31)) marked for identification.

The Court advises respective counsel that the Jury Commissioner is continuing to try to locate prospective juror E19. Later, prospective juror E19 is present.

The Court stands in recess at 1:29 p.m.

The Judicial Assistant, Barbara Graves, off the record, takes roll call of the first 18 prospective jurors and places the prospective jurors in their respective seats in the jury box.

The Court reconvenes at 1:57 p.m. and roll call is taken of the balance of the prospective jurors 19 - 75 on the random list, and all prospective jurors are present except for the prospective jurors that were excused.

The Court gives general instructions to the prospective jurors beginning at 2:05 p.m.

The court reads to the prospective jurors the Neutral Statement of Charges beginning at 2:20 p.m.

The Court questions the prospective jurors beginning at 2:25 p.m.

Rafael Torres, Deputy Public Defender, questions the prospective jury, on behalf of defendant, Marcus Delon Wesson, beginning at 2:30 p.m. and concludes at 3:12 p.m.

Prospective jurors stand in recess at 3:13 p.m.

Outside the presence of the prospective jurors, the court clears the courtroom for 2 prospective jurors to answer questions in private. Prospective juror G37 addresses the Court and respective counsel. Prospective juror I19 addresses the Court and respective counsel. The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;
- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

and concludes at 9:21 a.m. and the courtroom is opened to the public.

The Court stands in recess at 3:21 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 3:36 p.m.

Lisa Gamoian, Chief Deputy District Attorney, questions the prospective jurors beginning at 3:36 p.m. and concludes at 4:08 p.m.

In Chambers conference is held with Lisa Gamoian, Chief Deputy District Attorney, present on behalf of the People. Peter Jones and Rafael Torres, Deputy Public Defenders, are present on behalf of the defendant, Marcus Delon Wesson. Marcus Delon Wesson is present with the aid of an Electronic Listening Device. The Court and counsel discuss challenges for cause. Mr. Torres challenges the following jurors for cause: E31, G37 and I19. Ms. Gamoian has no challenges at this time.

The following prospective jurors are released for cause: E31, G37 and I19. Ms. Gamoian thanks and excuses the following jurors with a peremptory challenge: E7 and B12. Mr. Torres thanks and excuses the following jurors with a peremptory challenge: B3 and G31.

The Court admonishes the prospective jurors and excuses the at 4:26 p.m. until March 1, 2005 at 9:00 a.m.

Outside the presence of the prospective jurors, prospective juror D2 addresses the court. Prospective juror D2 is dismissed for hardship. A4 addresses the court and the Court needs a doctor's note. Prospective jurors C15 and D4 address the Court and the Court orders prospective jurors to return on March 1, 2005 at 9:00 a.m.

The Court adjourns at 4:36 p.m. until March 1, 2005 at 9:00 a.m. for further jury selection.

The defendant, Marcus Delon Wesson, remains remanded to the custody of the Sheriff of Fresno County.

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